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OFFICE OF PETITIONS

In re Application of :
Joe G. Tran et al :
Application No. 10/697,676 :
Filed: October 30, 2003 :
Attorney Docket No. TI-37297 :

ON PETITION

This is a decision on the petition, filed January 11, 2006, under 37 CFR 1.313(b) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

Petitioner should be aware that 37 CFR 1.313(b), is not the appropriate avenue to have an IDS considered after payment of the issue fee. The appropriate avenue is by way of a petition under 37 CFR 1.313(c).

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
- (2) Consideration of a submission pursuant to 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865, 14873 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47, 54 (Apr. 11, 2000).

The instant petition is not accompanied by any of the above.

Petitioner may consider filing under 37 CFR 1.313(c)(2).

A response to this decision must be filed within **ONE MONTH** from the mail date of this letter.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
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Post Office Box 1450
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By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: Randolph Building
401 Dulany Street
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.



Karen Creasy
Petitions Examiner
Office of Petitions